



**MINUTES OF THE PROCEEDINGS OF THE PLANNING COMMISSION OF THE CITY OF STACY IN THE COUNTY OF CHISAGO IN THE STATE OF MINNESOTA PURSUANT TO DUE CALL AND NOTICE THEREOF**

**REGULAR MEETING  
MARCH 17, 2020, 7:00p.m.  
30955 FOREST BOULEVARD STACY MN**

**Call to Order**

Chair M. Ness called the meeting to order at 7:00p.m.

**Roll Call**

**Present:** Mark Ness, Jim Ness, Steve Kveton, Tim Sawatzky, and Tony Olivolo

**Absent:** None

**Others Present:** Jeff Hensel, and Phil Carlson

**Agenda**

Motion by J. Ness to approve the agenda as amended. Second by T. Sawatzky. Members J. Ness, T. Sawatzky, S. Kveton, T. Olivolo, and M. Ness voted yes. Chair M. Ness declared the motion carried.

Items removed from this agenda for discussion at a later date:

- Public Hearing on the Comprehensive Plan
- Stacy Ponds Mini-Storage
- Accessory Buildings in the Business District
- Can a CUP application be changed to an IUP application?
- Review of the city code.

**Approval of Minutes**

Motion by J. Ness to approve the minutes as presented. Second by T. Olivolo. Members J. Ness, T. Sawatzky, S. Kveton, T. Olivolo, and M. Ness voted yes. Chair M. Ness declared the motion carried.

**Public Hearing 7:03-7:16p.m.**

The purpose of the public hearing is to gather public input on an application for an interim use permit to allow placement of two sea containers at the rear of the property described as 30962 Fenway Avenue, Suite 300. Property ID 19.00116.03.



Co-owner of the property, Jeff Hensel, was present.

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**New Business**

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**Action on the Public Hearing**

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The members discussed the project at length with Mr. Hensel, and the City Planner, items to note:

- Question regarding setback from high water mark.
- Screening, the amount and location.
- An IUP is intended for a short duration of time.

Motion by J. Ness to recommend that the City Council approve the IUP with the recommendation of the city engineer, making the following changes:

Item 2: change the number of trees to twenty and the placement be on the East, West, and South sides of the containers. Additionally, the trees shall be six feet from the outside edge of the container to the inside edge of the screening. The trees shall be at least 6 feet tall.

Item 6: change to five years from two years.

The applicant is also required to submit an escrow or bond as security for removal for site reconstruction.

Members J. Ness, M. Ness, T. Olivolo, T. Sawatzky, and S. Kveton voted yes. Chair M. Ness declared the motion carried.

Engineers memo attached.

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**Open Discussion**

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The next meeting date is unknown at this time due to COVID-19; it is planned to meeting April 21, 2020, unless otherwise informed.

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**Adjourned at 8:15p.m.**

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Chair M. Ness declared the meeting adjourned at 8:15p.m.

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Sharon MT Payne

# City of Stacy

## Memorandum

TO: **Stacy Planning Commission**  
FROM: Phil Carlson, AICP, Senior Planner, Stantec  
DATE: March 17, 2020  
RE: Kenneth Erickson – Interim Use Permit for Storage Containers  
Stacy Retail Center, 30962 Fenway Avenue, #300

### INTRODUCTION

Kenneth Erickson had applied for a Conditional Use Permit (CUP) to allow the placement of two metal sea containers at the rear of the Stacy Retail Center property, on Fenway Avenue in the southeast quadrant of Tracy Trail and I-35, for the use of Unit 300 in the Retail Center on a temporary basis. Exterior storage is only allowed in the General Business District by Conditional Use, and then only if screened as required by the City's Storage Standards. In discussions with the City Mr. Erickson has withdrawn the CUP application in favor of an Interim Use Permit (IUP) application, which would allow the same storage containers, but on a temporary basis.

### REQUEST

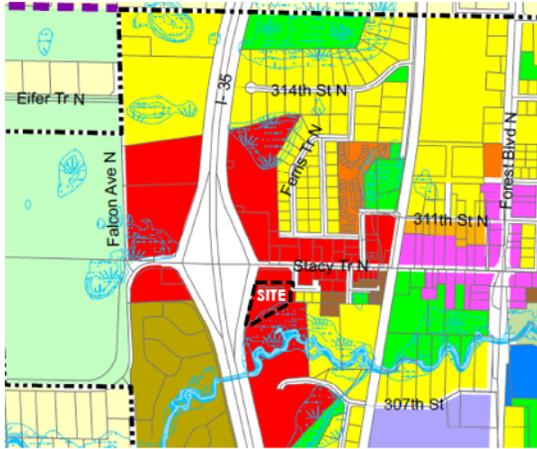
The request is to place two “sea containers” – large steel storage containers – each about 8 ft wide by 8 ft tall x 40 ft long, at the rear of the property of the Stacy Retail Center for the use of Unit 300 in the Center, as illustrated to the right. The application shows a proposed location south of the parking lot at the rear of the property on unpaved ground. The containers would be painted a similar color to the existing building, with a row of Arborvitae trees as screening proposed. The applicant states the containers would be in place “until the owner sells or vacates Unit 300.”



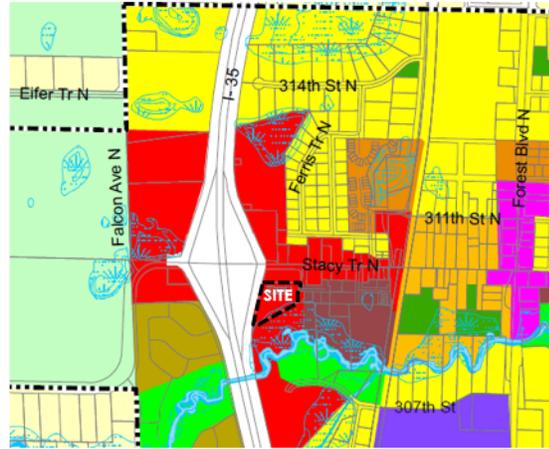
### LAND USE & ZONING

The Stacy Retail parcel is zoned General Business and zoned GB – General Business, illustrated on the map excerpts below. Adjacent uses are commercial to the north and northeast, Interstate Highway 35 to the west, and vacant land along the West Branch Sunrise River to the south.

Future Land Use Map



Zoning Map



**INTERIM USE PERMIT**

Interim Use Permits are discussed in Section 153.190 of the Zoning Code:

**§ 153.190 INTERIM USE PERMIT.**

- (A) *Purpose and intent.* The purpose and intent of allowing interim use permits is:
- (1) To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction.
  - (2) To allow a use that is presently judged acceptable to the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
  - (3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

The standards for considering an IUP are listed later in that same Code section:

- (D) *General standards.* An interim use shall comply with the following:
- (1) The use will conform to the applicable general performance standards of this section.
  - (2) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.
  - (3) The proposed use will not create an excessive burden on parks, streets, and other public facilities.
  - (4) The date or event that will terminate the use can be identified with certainty.
  - (5) The use will not impose additional unreasonable costs to the public.
  - (6) The user agrees to any conditions that the City Council deems appropriate for permission of the use.

The length of time an IUP may be in effect is discussed in a later section:

(F) *Termination.* An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- (1) The date or event stated in the permit, but in no case more than 5 years from the date of approval of the permit.
- (2) Upon violation of conditions under which the permit was issued.
- (3) Upon change in the city's zoning regulations rendering the use nonconforming.

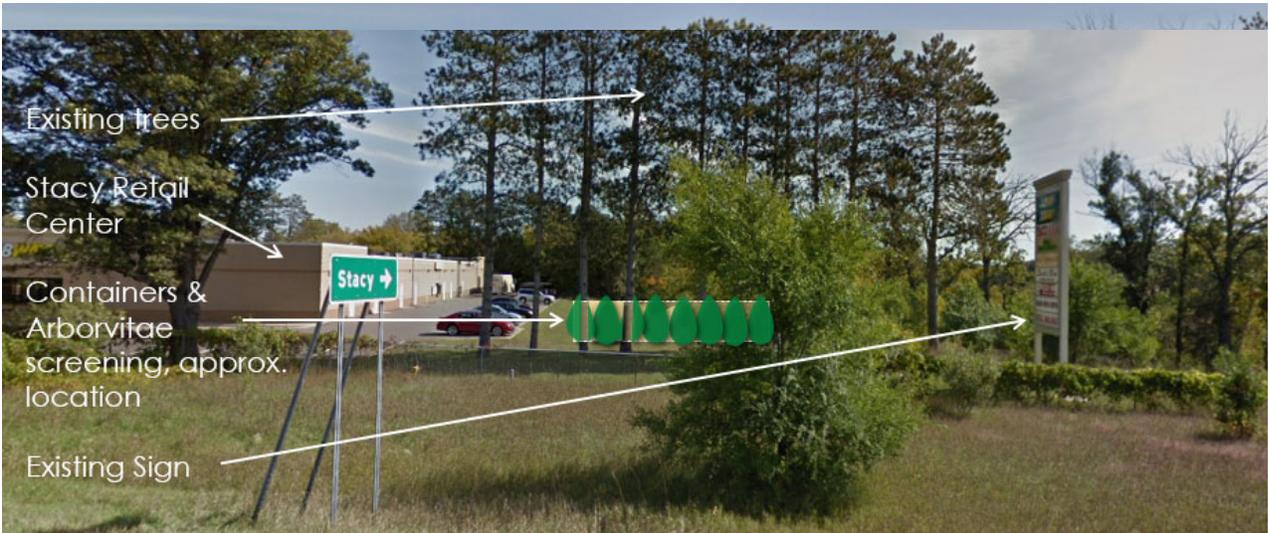
## PLANNING ISSUES

### *Visibility/Screening*

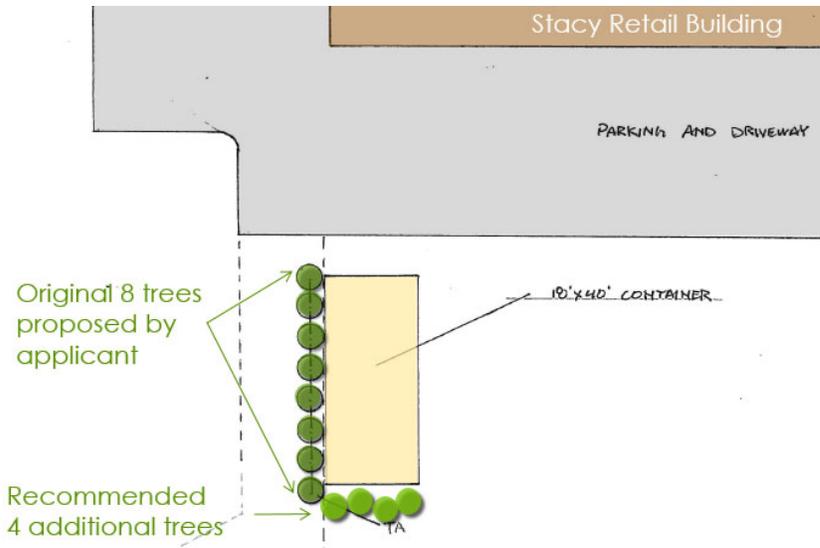
The proposed storage containers are "outside storage", only allowed in the GB District by CUP and only if fully screened so they will not be visible from adjacent properties. Being temporary, the containers also work well as an IUP, but the standards for a CUP can be appropriate to consider here. The proposed screening with a row of evergreen Arborvitae trees is a significant improvement compared to containers being in the open. As can be seen in the graphics on the next page, the proposed trees help, but the ends of the containers are still likely to be visible from the I-35 exit ramp. There are existing trees along the exit ramp, but they are tall and bare near the ground, providing little screening.

We suggest adding more trees to screen the south ends of the containers, which will help significantly with the view from the exit ramp. An additional 4 trees beyond the 8 trees proposed will accomplish this, as illustrated on the second page following.

### Views from I-35 exit ramp:



Portion of Tree Screening Plan & Views from I-35 Exist Ramp:



### *Timing of Interim Use Permit*

The Zoning Code allows an IUP for no more than five years, which seems long for temporary storage units. The applicant states the storage containers would be removed once the owner sells or vacates the unit. Since the City can't be certain when the owner will sell or vacate the unit, we suggest that the IUP stipulate the end date as no more than two years, not the maximum five years in the ordinance.

### *Engineering/Environmental Concerns*

There was concern expressed at a previous Planning Commission meeting about the ground on which the containers would be placed and their structural support, as well as the potential impact on runoff and the river environment. The West Branch Sunrise River is about 350 feet south of the parking lot and proposed containers on the subject property. The City Shoreland Ordinance would apply to development with 300 feet of the ordinary high water level (OHWL) of the river, but only requires a 75-ft setback from the OHWL to structures. This project would not be close to these Shoreland setback requirements. Runoff to the river is an issue, however. City Engineer Dan Boyum provided the following comments:

- 1) Elevation information is not provided in the application. From review of the 2' contour information from the DNR, the area slopes to the south from the parking lot. The grading plan from the original development can be used by the applicant to provide some additional information on the elevation of the pad based on past comments from the Planning Commission.
- 2) Prior to work proceeding, silt fence or wood-chip biorolls should be placed to protect downstream areas. This protection can be removed once disturbed areas have been restored with grass. Cleaning of any silt that may build up against the silt fence or bioroll must be done until the area is established with grass.
- 3) No depth of rock is provided for in the application. Depending on the quality of the existing subgrade material in this area, the city's standard thickness for aggregate base is 6" to 8". We recommend that thickness be used for building a pad for the container.
- 4) It appears from the detail provided that the applicant wants to keep the containers level from the curb elevation to the south. Providing some of the elevation information noted above will help the applicant understand the slope in the area. We anticipate fill will be needed adjacent to the aggregate base as the pad heads to the south. The fill should be placed at a maintainable slope. The silt fence/biorolls discussed above should be placed south of any of this topsoil fill.

## RECOMMENDATION

We recommend that the Planning Commission recommend approval of the Interim Use Permit for outside storage of two sea containers at the Stacy Retail Center, 30962 Fenway Avenue, as submitted in the application by Kenneth Erickson, with the following conditions:

- 1) The containers will be painted a color that is compatible with the existing Stacy Retail Center building.
- 2) Screening in the form of twelve Techny Arbovitae trees – the original eight trees plus an addition four trees – will be provided on the west and south sides of the containers as described and illustrated in this report.
- 3) The placement of the containers will be reviewed by the City Engineer for adequate structural support, erosion control, stormwater handling, and other issues, to ensure there is no risk to health, safety, or the environment, in accordance with the following comments:
  - a. Prior to work proceeding, silt fence or wood-chip biorolls should be placed to protect downstream areas. This protection can be removed once disturbed areas have been restored with grass. Cleaning of any silt that may build up against the silt fence or bioroll must be done until the area is established with grass.
  - b. No depth of rock is provided for in the application. Depending on the quality of the existing subgrade material in this area, the city's standard thickness for aggregate base is 6" to 8". We recommend that thickness be used for building a pad for the container.
  - c. It appears from the detail provided that the applicant wants to keep the containers level from the curb elevation to the south. Fill will be needed adjacent to the aggregate base as the pad heads to the south. The fill should be placed at a maintainable slope. The silt fence/biorolls discussed above should be placed south of any of this topsoil fill.
- 5) If the storage containers are removed, the ground and surrounding site will be restored as required by the City Engineer.
- 6) The containers will be removed, and the ground restored, when the owner sells or vacates the unit, or within two years of issuance of the Interim Use Permit, whichever is sooner.
- 7) The applicant shall agree in writing to the conditions imposed by the City for this Interim Use Permit.

## **FINDINGS**

The Planning Commission may consider the following Findings of Fact in support of approval of the Interim Use Permit:

- 1) The City has an interest in the appearance of its business district to promote high quality development and investment over time, and therefore the City standards related to screening outside are reasonable and necessary.
- 2) The proposed storage containers will be visible from the City's most traveled highway, Interstate 35, and screening the proposed storage containers from that view is reasonable and necessary.
- 3) The City has an interest in the public health, safety and welfare, and in stewardship of the Sunrise River environment, and therefore reasonable requirements to ensure that the placement of the storage containers will further these interests is reasonable and appropriate.
- 4) The intent of the storage containers is for temporary storage of materials. Two years is a reasonable maximum time limit for the Interim Use Permit.
- 5) The recommended permit conditions meet the standards for approving an Interim Use permit in Section 153.190(D) of the Stacy Zoning Code.

## **60-DAY DEADLINE**

The Interim Use Permit application was received on February 27, 2020. The 60-day deadline for final ac